

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	
v.	:	1:19CR54-1
	:	
STEVE BRANTLEY SPENCE	:	

FACTUAL BASIS

NOW COMES the United States of America, by and through Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Fed. R. Crim. P., states as follows:

On December 3, 2018, at approximately 10:09 a.m., Officer Tuft-Williams of the Virginia Beach Police Department (VBPD) responded to a call for service at 4785 Alicia Drive, Apartment 325, in Virginia Beach, Virginia. Upon arrival, the officer made contact with 32 year-old D.H., who was lying in the back of an ambulance with EMS personnel. D.H. advised the officer that she had been living at that address since October 2018 with her boyfriend, Steve Brantley Spence. On the morning of December 3, 2018, D.H. argued with Spence. While she was getting dressed, Spence wrapped his arm around her neck and proceeded to “choke her out.” D.H. recalled that this was at approximately 6:40 a.m. D.H. woke up at 7:12 a.m. and found that her car keys, cell phone, and car were missing. When officers arrived, Spence was not

there. Two of D.H.'s minor children were present during the assault, a seven-year-old and a six-month-old. Neither was harmed. Police saw injuries to D.H., including a cut above her left eyebrow, swelling underneath both eyes, a red mark on the corner of her mouth, and bruising on the right side of her neck. Spence was charged by the VBPD with the felonies of strangulation, grand larceny (two counts), and the misdemeanor of assault on a family member. The car, a 2015 Mercedes Benz ML350, valued at \$35,000, with license plate number 4EVAMAC and VIN# 4JGDA5JB1FA574150, was entered into NCIC as stolen.

Later that day, D.H. told police she discovered a document in Spence's handwriting at the apartment. The document appeared to be a "hit list." See Attachment A.

That same day, Officer D.K. Evans of the Greensboro Police Department was working as a School Resource Officer at Ben L. Smith High School located at 2401 South Holden Road in Greensboro, North Carolina. At approximately 12:40 p.m., Evans received an alert regarding an armed man in the cafeteria of the school. Evans immediately left his office and headed towards the cafeteria. As he exited the doors to the school and directed students to return to the building, Evans noticed Spence, armed with two handguns and carrying a book bag, running in the courtyard from the cafeteria. Evans drew his service

weapon and ordered Spence to drop the handguns. When Spence saw Evans he continued to run towards the school's tennis courts and then the school's football stadium. Evans caught up with Spence near Vanstory Street and ordered him again to drop the handguns. Spence was slow to do so, first dropping one of the handguns, and then the second one.

Spence complied with a directive to go to the ground, but resisted being handcuffed. The firearms recovered from Spence were a Jimenez Arms 9mm handgun, model J.A. Nine, serial number 004695, and an Armscor of the Philippines .38 caliber handgun, model M1911-A1 FS, serial number CIT009091. Neither firearm had a round chambered but both had fully loaded magazines. In the book bag Spence was carrying, officers recovered eight boxes of ammunition – three boxes of Winchester 12 gauge buckshot, one box of Winchester 12 gauge rifle slugs, one box of Aguila .38 super A+P, two boxes of Winchester .38 super auto +p, and one box of Hornaday Zombie Max Bullets. Search incident to arrest officers found car keys, a wallet, and a second loaded magazine for a .38 caliber handgun.

Evans then spoke with L.H. and P.J., both employees of the school. L.H. noticed P.J. talking with Spence in the cafeteria and so she walked up to him and asked “how can I help you”? L.H. noticed a handgun in the Spence's waistband. He then brandished a second handgun and told L.H. to back up.

Once L.H. saw the handguns, she ran to the school to advise students of the threat. L.H. later made an announcement over the school radio warning of the threat.

P.J. noticed Spence walking into the courtyard from the tennis courts and went to look for him. P.J. found Spence drinking from a water fountain near the cafeteria and asked if he could help him. Spence asked about two people with the last name of King. P.J. pretended to call the names on his radio, but was actually radioing Evans. At that time Spence lifted his hoodie at the waist and showed P.J. a handgun. L.H. then approached and P.J. was able to walk away and contact Evans on the school radio.

While waiting for EMS to arrive, Sgt. Wimbush asked Spence if he was lost, to which he replied, “no, I was looking for [A.K] and [M.K].” Wimbush asked who she was, and Spence said, “she’s a teacher here.” Wimbush asked if she was a friend, to which Spence replied, “no, not really, no.” Sgt. Wimbush asked Spence if he had a car nearby. Spence said that he had a teal Mercedes-Benz SUV parked in the Denny’s parking lot near the intersection of West Gate City Boulevard and South Holden Road. Spence said that he drove the vehicle from Virginia to Greensboro and motioned to where the keys were. Spence then stated that there was a 12 gauge shotgun in the backseat of the vehicle, along with ammunition. Spence identified the handguns he had as a “1911”

and a “9mm.” Spence told police that there was ammunition in his book bag, he estimated 125 rounds for the 1911, 15 rounds for the 9mm, and 35 rounds for the shotgun.

Recovered from the Mercedes-Benz (pursuant to a later search warrant) was a Remington Arms Company, Inc., 12 gauge shotgun, model 870 Tactical Magnum, serial number RS54748Z. The shotgun was hidden under a leather jacket. Also recovered was a gold Security Enforcement Officer badge on a black leather clip, located in a compartment of the dashboard under the HVAC controls. A Burger King bag was recovered containing a receipt “Burger King, 100 Market Drive, Emporia Virginia – 2 crois H/E/C, date 12/3/2018 at 9:32 hours.”

Spence advised that he did not attend Smith High School, but that his son’s mother taught there – formerly A.J., now A.K. Spence then advised, “yeah, well, I should have planned it out a little better. I should have waited for her instead of going to the school. This morning, I mean you guys might want to check with the Virginia Beach PD, I killed someone this morning in Virginia Beach. We were on a mission today and we just failed. I’ve got another stop to make after this.”

Spence referred to himself in the third person on multiple occasions, and used the term “we.” Spence also stated his name was “Jeremiah” and “Steve”

from time to time. Though he assumed different personalities, officers reported that he never changed the tone of his voice or his demeanor. Spence denied that he was on medication, drugs, or alcohol.

In a later post-*Miranda* interview with Greensboro Detective J.J. Palmenteri, Spence admitted coming to Greensboro in an effort to kill AK and M.K. Prior to the interview Spence acted in an irrational and highly agitated state, according to Palmenteri. He would roll on the floor and lay on the table. Spence would not sit down and he paced quickly back and forth in the room.

Police later interviewed A.K. and her husband M.K. at the school. Both are employees at Smith High School. Spence was identified as the father of A.K.'s son, P.S., date of birth XX/XX/2011, who she and her husband shared custody of. As such, she was a "spouse or intimate partner" of Spence. A.K. reported a relationship with Spence between 2008 and 2011. A.K. and M.K. had heard from Spence approximately two weeks earlier, when he called wanting to see his son. Prior to that time they had not heard from him since 2017. A.K. described a tumultuous relationship with Spence. Spence was known by A.K. to openly carry a firearm. A.K. and M.K. did not know how Spence discovered they were employed at the school.

After Spence's arrest, Greensboro Police were able to locate A.N. in Durham, North Carolina. Like A.K., A.N. had a son with Spence, C.N., date of

birth XX/XX/2017, during an earlier relationship. As such, she was a “spouse or intimate partner” of Spence. They had been separated since December 2017. A.N. also had custody of that son. Like A.K., A.N. described a tumultuous relationship with Spence. Spence had last contacted her on October 28, 2018, sending inappropriate images to her. On December 3, 2018, A.N. was informed by police that her name was on a “hit list,” along with the names of her parents.

This the 7th day of October, 2020.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2020, the foregoing was electronically
filed with the Clerk of the Court using the CM/ECF system to notify:

Gregory Davis, Esq.

Respectfully submitted,

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